

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID BURNS,

Plaintiff,

v.

RUIZ, *et al.*,

Defendants.

Case No. 3:20-cv-00032-MMD-CSD

ORDER

*Pro se* Plaintiff David Burns brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 62), recommending that the Court grant Defendant Dr. Richard Wulff’s motion for summary judgment (ECF No. 44 (“Motion”)).<sup>1</sup> Burns had until May 29, 2023 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in full and grants the Motion.

Because there is no objection, the Court need not conduct *de novo* review and is satisfied Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Here, Judge Denney recommends granting the Motion because the evidence indicates that Burns was not referred to Dr. Wulff to treat his arthritis but for other medical issues, and therefore, Dr. Wulff was not deliberately indifferent to Burns’s pain related to arthritis or other joint disease, on which his claim is based. (ECF No. 62 at 6-7.) The Court agrees with Judge Denney. Having reviewed the R&R and the record in this case, the Court will adopt the R&R in full.

<sup>1</sup>All other Defendants have already been dismissed from this action.

1 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
2 No. 62) is accepted and adopted in full.

3 It is further ordered that Defendant Dr. Wulff's motion for summary judgment (ECF  
4 No. 44) is granted.

5 The Clerk of Court is directed to enter judgment accordingly and close this case.

6 DATED THIS 2<sup>nd</sup> Day of June 2023.

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9 MIRANDA M. DU  
10 CHIEF UNITED STATES DISTRICT JUDGE  
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